

REMARKS

After entry of the foregoing amendments, claims 1-10, 12-21, 23-48, 75, 77, 79, and 80 will be pending in the present application. Claims 49-74 have been withdrawn from consideration, and claims 11, 22, 76, and 78 have been canceled without prejudice. Claims 1, 2, 4-10, 12-19, 25, 27, 29, 32, 37, 39-42, 75, 77, and 80 have been amended.

Claims 1-4, 6-8, 10-13, 16, 17, 20, 21, 26, 28, 29, 42, 45-48, and 75-80 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2005/0171547 (“Aram”) in view of U.S. Patent No. 4,682,849 (“Kowata”). Claims 5, 9, 14, 18, 19, and 36-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Aram. Claims 15, 27, 30-35, and 39-40 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Independent Claim 1

Applicant respectfully submits that the rejection of independent claim 1 has been rendered moot by amendment. Claim 1 has been amended to more clearly describe the configuration and interrelation of the components of the sternal reconstruction system. Claim 1 recites, in pertinent part:

the first portion being attached to the first end of the flexible cable, and the second portion having a hole adapted to slidably receive the second end of the flexible cable; . . . a cannulation adapted to slidably receive the first portion of the crimp fitting member; . . . at least one plate hole adapted to slidably receive the at least one cannulated screw or the first portion of the crimp fitting member.

The amendment to claim 1 finds support in at least p. 6, l. 30 – p.7, l. 30; p.11, ll. 5 –19; and p. 12, l. 3 – p. 3, l.10 of the specification.

Applicant respectfully submits that none of the references, whether alone or in combination, teach or suggest a sternal reconstruction system as recited in claim 1. First, none of the references teach or suggest a crimp fitting member having a first portion attached to a first end of a cable and a second portion having a hole for receiving a second end of the cable. Second, none of the references teach or suggest a screw having a cannulation adapted to receive the first portion of the crimp fitting member. Third, none of the cited references

teach or suggest a plate having a hole adapted to receive the screw or the first portion of the crimp fitting member. Thus, Applicant respectfully submits that independent claim 1 patentably defines over Aram, whether alone or in combination with Kowata, and is allowable.

Dependent claims 2, 4-10, 12-19, 25, 27, 29, 32, 37, and 39-42 have been amended to correct typographical errors and antecedent-basis issues resulting from the amendment to independent claim 1. As claims 2-10, 12-21, and 23-48 ultimately depend from claim 1, Applicant respectfully submits that claims 2-10, 12-21, and 23-48 likewise define over Aram, whether alone or in combination with Kowata, and are allowable. Applicant's reliance on the patentability of claim 1 for the patentability of claims 2-10, 12-21, and 23-48 is not to be construed as Applicant's admission of Examiner's assertions regarding claims 2-10, 12-21, and 23-48, or as Applicant's admission that these claims are not novel and unobvious on their own merits.

Independent Claim 75

Applicant respectfully submits that the rejection of independent claim 75 has been rendered moot by amendment. Similar to claim 1, claim 75 has been amended to more clearly describe the configuration and interrelation of the components of the sternal reconstruction kit. Claim 75 recites, in pertinent part:

the first portion of each of the plurality of crimp fitting members being attached to the first end of one of the plurality of flexible cables, and the second portion of each of the plurality of crimp fitting members having a hole adapted to slidably receive the second end of one of the plurality of flexible cables; . . . each of the plurality of cannulated screws having a cannulation adapted to slidably receive the first portion of one of the plurality of crimp fittings; . . . each of the plurality of reconstruction plates having at least one plate hole adapted to slidably receive one of the plurality of cannulated screws or the first portion of one of the plurality of crimp fittings.

The amendment to claim 75 finds support in at least p. 6, l. 30 – p.7, l. 30; p.11, ll. 5 –19; p. 12, l. 3 – p. 3, l.10; and p. 15, ll. 6 - 14 of the specification.

For substantially the same reasons stated above in relation to claim 1, Applicant respectfully submits that Aram, whether alone or in combination with Kowata, does not teach or suggest all of the limitations of claim 75. Thus, Applicant respectfully submits that independent claim 75 patentably defines over Aram, whether alone or in combination with Kowata, and is allowable.

Dependent claims 77 and 80 have been amended to correct typographical errors and antecedent-basis issues resulting from the amendment to independent claim 75. As claims 77, 79, and 80 ultimately depend from claim 75, Applicant respectfully submits that claims 77, 79, and 80 likewise define over Aram, whether alone or in combination with Kowata, and are allowable. Applicant's reliance on the patentability of claim 75 for the patentability of claims 77, 79, and 80 is not to be construed as Applicant's admission of Examiner's assertions regarding claims 77, 79, and 80, or as Applicant's admission that these claims are not novel and unobvious on their own merits.

Conclusion

For all the foregoing reasons, Applicant respectfully submits that the application is in condition for allowance. Accordingly, a Notice of Allowance for claims 1-10, 12-21, 23-48, 75, 77, 79, and 80 is respectfully requested.

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/ David R. Bailey /
David R. Bailey
Registration No. 35,057

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439